IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

MONDAY, THE 24TH DECEMBER 2007 / 3RD POUSHA 1929

WP(C).No. 38141 of 2007(N)

PETITIONER:

ROSSY, AGED 61,
W/O.LATE SUNNY, KARALATHUKARAN HOUSE,
PUTHUKKAD DESOM, THORAVU VILLAGE,
MUKUNDAPURAM TALUK, THRISSUR DISTRICT.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS:
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1. JOSEPH, S/O.JOSE,
MANIYAKKU HOUSE, PUTHUKKAD DESOM,
THORAVU VILLAGE, MUKUNDAPURAM TALUK,
THRISSUR DISTRICT.

2. SAJU, S/O.ANTU,
OOLUKKARAN, PUTHUKKAD DESOM,
THORAVU VILLAGE, MUKUNDAPURAM TALUK.

3. STANLEY, S/O.SUNNY,
KARALATHUKARAN HOUSE, PUTHUKKAD DESOM,
THORAVU VILLAGE, MUKUNDAPURAM TALUK,
THRISSUR DISTRICT.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

HARUN-UL-RASHID, J.

W.P.(C) NO. 38141 OF 2007

Dated this the 24th day of December, 2007

JUDGMENT

This Writ Petition is filed by the second defendant in O.S. No.1293 of 2007 on the file of the Principal Munsiff's Court, Irinjalakuda. The suit was for injunction. The petitioner is aggrieved by Ext.P2 common order dated 28.11.2007 passed by the trial court in I.A. Nos.2487 of 2007 and 3502 of 2007 in the above suit.

2. By the order in I.A. No.2487 of 2007, the defendants in the suit were restrained by an order of temporary injunction from alienating or encumbering the petition schedule property and from causing any hindrance or obstruction to the construction of the southern boundary wall of the petition schedule property. Aggrieved by Ext.P2 order, the petitioner filed C.M.A. No.42 of 2007 before the Sub Court, Irinjalakuda. She also moved Ext.P4 application for stay, I.A. No.4053 of 2007. The petitioner submits that the application for stay was dismissed by the court below as per order dated 19.12.2007. In view of the urgency of the suit, the petitioner wants to move the appellate or the revisional forum, as the

case may be , against the order dated 19.12.2007. Since carbon copy of the order was not issued to the petitioner, she prays for a direction to stay the operation of Ext.P2 order. The petitioner submits that the order under challenge was passed without appreciating the legal and factual contentions and therefore, there is every likelihood of the impugned order being set aside by the appellate or revisional forum, as the case may be. The petitioner also submits that as the court closed on 19.12.2007, she was not in a position to obtain the carbon copy of the order.

3. In the above circumstances, I direct the Sub Court, Irinjalakuda to issue carbon copy of the order dated 19.12.2007 passed in Ext.P4 application to the petitioner as expeditiously as possible. In the meanwhile, parties are directed to maintain status quo as on today.

The Writ Petition is disposed of as above.

(HARUN-UL-RASHID, JUDGE)

sp/

KURIAN JOSEPH &
HAURN-UL-RASHID, JJ.

L.A.A.NO

JUDGMENT

4TH DECEMBER, 2007